

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SCOTT ZEAN SHIGLEY,

Defendant.

CR-09-115-GF-BMM-01

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter October 24, 2016. (Doc. 52.) Neither party filed objections. When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 149-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on October 20, 2016. (Doc. 49.) Shigley admitted that he violated the conditions of his supervised release by failing to complete sex offender treatment. The violations prove serious and

warrant revocation of Shigley's supervised release. Judge Johnston has recommended that the Court revoke Shigley's supervised release and commit Shigley to the custody of the Bureau of Prisons for two months (Doc. 52 at 4.) Judge Johnston further has recommended that Shigley's term of custody be followed by 118 months of supervised release. *Id.*

The Court finds no clear error in Judge Johnston's Findings and Recommendations. Shigley's violations of his conditions represent a serious breach of the Court's trust. A sentence of two months custody followed by 118 months of supervised release represents a sufficient, but not greater than necessary, sentence.

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 52) is ADOPTED IN FULL.

IT IS FURTHER ORDERED that Defendant Scott Zean Shigley be sentenced to two months custody followed by 118 months of supervised release. The conditions previously imposed shall be continued.

DATED this 9th day of November, 2016.



Brian Morris
United States District Court Judge